



{In Archive} Article that states that one well in Kingsville met the drinking water standard and that URI must continue to clean the well that hasn 't been restored to pre-mining conditions.

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Cc: Philip Dellinger

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Judge: Uranium mining company can resume Kleberg County operations, must clean groundwater

By Mark Collette

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CORPUS CHRISTI — KINGSVILLE — A uranium company must clean more groundwater but will be allowed to resume mining in a certain area of Kleberg County, a judge ruled Friday.

The ruling brings a close to a five-month trial. It also is a climax in the decades-long, politically charged debate about the mining of uranium ore, the raw material for nuclear fuel, in a geologic formation known as the Kingsville Dome southeast of the city.

Off and on since 1988, Uranium Resources, Inc. has mined the formation with a process called in-situ recovery. The process involves pumping an oxygenating solution into underground water to dissolve the uranium ore so it can be pumped out of the ground.

After mining, companies are required to restore the groundwater to a condition similar to that before mining. They pump it from the ground, clean and filter it, return restored water to the site and inject waste products into disposal wells. URI said it has restored more than 1.6 billion gallons of groundwater in the Kingsville Dome.

Area residents said they drank the well water for generations, but studies conducted before mining began showed the water in nearly all of the dozens of test wells wasn't suitable for drinking, irrigation or livestock.

But at least one test presented in court showed a single well met the federal drinking water

standard before mining began.

Attorneys for Kleberg County said URI broke a contract by failing to restore the well to pre-mining conditions before moving on to mine other areas within the Kingsville Dome, an area that spans more than 2,300 acres.

They also charged that URI influenced the former county judge, Pete De La Garza, with thousands of dollars in campaign contributions, even as litigation was pending, to hide from county commissioners and residents the fact that URI hadn't fully restored all the groundwater per the terms of the contract.

They asked 105th District Judge Angelica Hernandez to award attorney fees and stop URI from mining the area until the well is restored.

In an unusually explanatory ruling, Hernandez agreed that URI's political contribution, and De La Garza's willingness to accept it, were "poor judgment" and "didn't pass the smell test," but that URI had nonetheless fulfilled its contractual obligations. The company gave De La Garza regular reports of well restoration efforts, as well as problems it encountered.

"URI didn't hide it," Hernandez said. "They put it out there and sent it to County Judge De La Garza and he did nothing ... It was not unreasonable for URI to feel they had complied."

De La Garza, as the county's chief elected official, could have headed off long and expensive litigation by acting years ago on the information from URI, Hernandez said.

"Sometimes things don't look right," she said. "They don't pass that smell test, but legally they don't have implications other than to bring light to a principle I like to call 'voter beware.' You will get the representation that you put into office. But justice demands that people are not allowed to stay silent and then come into court and claim that only the other party has unclean hands."

JoEllen Hewins, an attorney for URI, said the county's assertions about political meddling were "political baloney."

And Rick Van Horn, senior vice president of operations for URI, said the county's case was not about restoring groundwater, but halting uranium mining altogether.

The ruling strikes a kind of middle ground, as the company will be allowed to continue mining, though Van Horn said it has no plans to do so until the global uranium market improves, which he projects could happen in 2013. He said he's unsure how long restoration of the well will take.

Hernandez said allowing future mining was necessary to ensure restoration of the well.

"I cannot make these rulings in a vacuum," she said. "Restoration will not happen unless they have the ability to fund it. Otherwise they're going to leave and it's going to stay the way it is."

The company already narrowly avoided bankruptcy when the uranium market tanked in the early 2000s, Hewins said.

Elizabeth Cumberland, a former county resident who has family in the Kingsville Dome area, said the ruling is a victory for the people of Kleberg County.

"I believe that the people here want the areas that have been mined to be restored to what they were before they ever started mining ... she just ordered that," Cumberland said.

The judge left the matter of attorney fees to be decided, but said she's inclined to let each side bear their own costs.

The Kingsville Record reported that the county spent nearly \$275,000 on legal fees in disputes with URI from 1998 to 2011.

An industry-funded study led by economists at the University of North Texas in 2011 estimated uranium mining pumps up to \$311 million annually into the state economy. Since 1959, more than 80 million pounds of uranium worth about \$5 billion at 2011 prices were mined in Texas.

Opponents long have argued that such studies don't account for economic losses incurred by losing access to clean water, the focus of mining opponents fighting another legal battle with another company at a site near Goliad.

BY THE NUMBERS

How much is 1.6 billion gallons? It's enough to ...

Fill Cowboys Stadium in Arlington more than twice.

Fill more than 177,000 large tanker trucks; end to end, the trucks would line the freeway from Dallas to Los Angeles.

Supply roughly the amount of groundwater used by all Kleberg County utilities and water suppliers in 2008.

Provide 15,760 average households in Corpus Christi with water for a year.

Sources: Texas Water Development Board, city of Corpus Christi, stadium.dallascowboys.com

